

HOUSE No. 725

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to exempting certain criminal misdemeanors from hearing provisions in the district courts and the Boston Municipal Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT EXEMPTING CERTAIN CRIMINAL MISDEMEANORS FROM THE
HEARING PROVISIONS OF G.L. c.218, §35A.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 35A of chapter 218 of the General Laws, as most
2 recently amended by section 200 of chapter 149 of the acts of
3 2004, is hereby further amended by inserting at the end thereof
4 the following paragraph:—
5 This section shall not apply to (1) substitute complaints that are
6 issued to correct a misstatement or omission of form in an earlier
7 complaint; or (2) complaints for violations of section 82A of
8 chapter 276; or (3) complaints that are issued after the accused
9 was offered an opportunity to be heard pursuant to a civil citation
10 procedure authorized by statute in which the accused was charged
11 with the same conduct as a civil infraction.